SPEECH OF MR. BENTON,

OF MISSOURI,

ON THE NEBRASKA QUESTION.

HOUSE OF REPRESENTATIVES, APRIL 25, 1854.

Mr. BENTON said: If any bill to impair the Missouri compromise line of 1820 had been brought into this House by a member from a slave State, or under the administration of a President elected from a slave State, I should have deemed it my duty to have met it at the threshold, and to have made the motion which the parliamentary law prescribes for the repulse of subjects which are not fit to be considered. I should have moved its rejection at the first reading. But the bill before us, for the two may be considered as one, does not come from that quarter. It comes from a free State, and under the administration of a President elected from a free State; and under that aspect of its origin I deemed it right to wait and hear what the members of the free States had to say to it. It was a proposition from their own ranks to give up their half of the slavery compromise of 1820; and, if they choose to do so, I did not see how Southern members could refuse to accept it. It was a free State question; and the members from the free States were the majority, and could do as they pleased. So I stood aloof, waiting to see their lead, but without the slightest intention of being governed by it. I had my own convictions of right and duty, and meant to act upon them. I had come into political life upon that compromise. I had stood upon it above thirty years, and intended to stand upon it to the end—solitary and alone if need be; but preferring company to solitude, and not doubting for an instant what the result was to be.

I have said that this bill comes into Congress under the administration of a free State President; but I do not mean to say or insinuate by that remark that the President favors the bill. I know nothing of his disposition towards it; and if I did I should not disclose it here. It would be unparliamentary, and a breach of the privileges of this House to do so. The President's opinions can only be made known to us by himself, in a message in writing. In that way it is his right, and often his duty, to communicate with us; and in that way there is no room for mistake in citing his opinions; no room for an unauthorized use of his name; no room for the imputation of contradictory opinions to him; and in that way he becomes responsible to the American people for the opinions he may deliver. All other modes of communication are forbid to him, as tending to an undue and unconstitutional interference with the freedom of legislation. It is not bribery alone attempted upon a member which constitutes a breach of the privileges of this House. It is any attempt to operate upon a member's vote by any consideration of hope or fear, favor or affection, prospect of reward or dread of punishment. This is parliamentary law as old as English Parliaments, constantly maintained by the British House of Commons, and lately declared in a most signal manner. It was during the reign of our old master, George the Third, and in the famous case of Mr. Fox's East India bill. A report was spread in Parliament by one of the lords of the bed chamber that the King was opposed to the bill, that he wished it defeated, and had said that he would consider any member his enemy who should vote for it. The House of Commons took fire at this report, and immediately resolved:

"That to report any opinion or pretended opinions of his Majesty, upon any bill depending in either House of Parliament, is a high crime and misdemeanor, derogatory to the honor of the crown, a breach of the fundamental privileges of Parliament, and subversive of the Constitution of the country."

This resolve was adopted in a full House by a majority of seventy-three votes, and was only declaratory of existing parliamentary law—such as it had existed from the time that English counties and boroughs first sent knights of the shire and burgesses to represent them in the Parliament House. It is old English parliamentary law, and is so recorded by Hatsell, and all the writers on that law. It is also American law, as old as our Congress, and, as such, recorded in Jefferson's Manual. It is honest law, and as such existent in every honest heart. Sir, the President of the United States can send us no opinions except in written messages, and no one can report his opinions to influence the conduct of members upon a bill without becoming obnoxious to the censure which the British House of Commons pronounced upon the lord of the bed chamber, in the case of the King and the Fox East India bill.

Nor can the President's Secretaries—his head clerks, as Mr. Randolph used to call them—send us their opinions on any subject of legislation depending before us. They can only report, and that in writing, on the subjects referred to them by law or by a vote of the Houses. Non-intervention is their duty in relation to our legislation; and if they attempt to intervene in any of our business, I must be allowed, for one, to repulse the attempt, and to express for it no higher degree of respect than that Mr. Burke expressed for the opinions of a British Lord Chancellor, delivered to the House of Commons in a case in which he had no concern. Sir, I suppose I can be allowed to repeat on this floor any degree of comparison or figure of speech which Mr. Burke could use on the floor of the British House of Commons. He was a classic speaker, and, besides that, author of a treatise on the Sublime and Beautiful; though I do not consider the particular figure which I have to repeat, although just and picturesque in itself, to be a perfect illustration of either branch of his admired treatise. It was in reference to Lord Thurlow, who had intervened in some legislative business contrary to the orator's sense of right and decency. Mr. Burke repulsed the intrusive opinion, and declared that he did not care three jumps of a louse for it. [Laughter.] Sir, I say the same of any opinion which may be reported here from our Secretaries on any bill depending before us, and that in any form in which it may come from them, whether as a unit or as integers.

Still less do I admit the right of intervention in our legislative duties in another class of intermeddlers, and who might not be able to meddle at all with our business were it not for the ministration of our bounty. I speak of the public printers, who get their daily bread (and that buttered on both sides) by our daily printing, and who require the Democratic members of this House, under the instant penalty of political damnation, to give in their adhesion to every bill which they call Administration; and that in every change it may undergo, although more changeable than the moon. For that class of intermeddlers I have no parliamentary law to administer, nor any quotation from Burke to apply; nothing but a little fable to read, the value of which, as in all good fables, lies in its moral. It is in French, and entitled "*L'ane et son maitre*"—which, being done into English, signifies, "*The ass and his master*"—and runs thus:

"An ass took it into its head to scare his master, and put on a lion's skin and went and stood in the path; and when he saw his master coming he commenced roaring, as he thought; but he only brayed, and the master knew it was his ass: so he went up to him with a cudgel and beat him nearly to death."

This is the end of the fable, and the moral of it is, "a caution to all asses to take care how they undertake to scare their masters." [Much laughter and applause.]

Mr. Chairman, this House will have fallen far below its constitutional mission if it suffers itself to be governed by authority or dragooned by its own hirelings. I am a man of no bargain, but act openly with any man that acts for the public good; and in this spirit I offer the right hand of political friendship to every member of this body that will stand together to vindicate its privileges, protect its respectability, and maintain it in the high place for which it was intended—the master branch of the American Government.

The question before us is to get rid of the Missouri compromise line; and to a lawyer that is an easy question. That compromise is in the form of a statute, and one statute is repealable by another. That short view is enough for a lawyer. To a statesman it is something different, and refers the question of its repeal, not to law books, but to reasons of State policy, to the circumstances under which it was enacted, and the consequences which are to flow from its abrogation. This compromise of 1820 is not a mere statute, to last for a day; it was intended for perpetuity, and so declared itself. It is an enactment to settle a controversy, and did settle it, and cannot be abrogated without reviving that controversy.

It has given the country peace for above thirty years. How many years of disturbance will its abrogation bring? That is the statesman's question; and, without assuming to be much of a statesman, I claim to be enough so to consider the consequences of breaking a settlement which pacified a continent. I remember the Missouri controversy, and how it destroyed all social feeling and all capacity for beneficial legislation, and merged all political principle in an angry contest about slavery—dividing the Union into two parts, and drawing up the two halves into opposite and confronting lines like enemies on the field of battle. I do not wish to see such times again; and therefore am against reviving them by breaking up the settlement which quieted them.

The Missouri compromise of 1820 was the partitioning between the free and the slave States of a great province, taking the character of a perpetual settlement, and classing with the two great compromises which gave us the ordinance of July 13, 1787, and the Federal Constitution of September 17, of the same year. There are three slavery compromises in our history, which connect themselves with the foundation and the preservation of this Union: First, the territorial partition ordinance of 1787, with its clause for the recovery of fugitive slaves; secondly, the contemporaneous constitutional recognition of slavery in the States which chose to have it, with the fugitive slave recovery clause in the same instrument; thirdly, the Missouri partition line of 1820, with the same clause annexed for the recovery of fugitive slaves. All three of these compromises are part and parcel of the same policy, and neither of them could have been formed without the other, nor either of them without the fugitive slave recovery clause incorporated in it. The anti-slavery clause in the ordinance of 1787 could not have been adopted (as was proved by its three years' rejection) without the fugitive slave recovery clause added to it. The Constitution could not have been formed without its recognition of slavery in the States which chose it, and the guaranty of the right to recover slaves fleeing into the free States. The Missouri controversy could not have been settled without a partition of Louisiana between free and slave soil; and that partition could not have been made without the addition of the same clause for the recovery of fugitive slaves. Thus all three compromises are settlements of existing questions, and intended to be perpetual. They are all three of equal moral validity. The constitutional compromise is guarded by a higher obligation in consequence of its incorporation in that instrument; but it no way differs from the other two in the circumstances which induced it, the policy which guards it, or the consequences which would flow from its abrogation. A proposition to destroy the slavery compromises in the Constitution would be an open proposition to break up the Union; the attempt to abrogate the compromises of 1787 and 1820 would be virtual attempts to destroy the harmony of the Union and prepare it for dissolution by destroying the confidence and affection in which it is founded.

The Missouri compromise of 1820 is a continuation of the ordinance of 1787—its extension to the since acquired territory west of the Mississippi, and no way differing from it either in principle or detail. The ordinance of 1787 divided the then territory of the United States about equally between the free and the slave States; the Missouri compromise line did the same by the additional territory of the United States as it stood in 1820; and in both cases it was done by act of Congress, and was the settlement of a difficulty which was to last forever. I consider them both, with their fugitive slave recovery clauses, and the similar clause in the Constitution, as part and parcel of the same transaction—different articles in the same general settlement.

The anti-slavery clause in the ordinance of 1787 could not have been put in (as was proved by its three years' rejection) without the fugitive slave recovery clause added to it. The Constitution could not have been formed without the recognition of slavery in the States which chose it, and the right of recovering slaves fleeing to the free States. The Missouri controversy could not have been settled except by the prohibition of slavery in the upper half of the territory of Louisiana; and that prohibition could not have been obtained without the right to recover fugitive slaves from the part made free. Thus the three measures are one, and the ordinance of 1787 father to the other two. It led to the adoption of the fugitive slave clause in the Constitution, and we may say to the formation of the Constitution itself, which could not have been adopted without that clause and the recognition of slave property in which it was founded. This vital fact results of itself from the history of the case. In March, of the year 1784, the Virginia delegation in the then Congress of the Confederation, headed by Mr. Jefferson and Mr. Monroe, conveyed the Northwestern territory to the thirteen United States. In the month of April ensuing, the organizing mind of Mr. Jefferson, always bent upon systems and administration, brought in an ordinance for the government of the territory so conveyed, with the anti-slavery clause as a part of it, to take effect in the year 1800; but without a clause for the recovery of fugitive slaves. For want of this provision the anti-slavery clause was opposed by the slaveholding States, and rejected; and the ordinance was passed without it. In July, of the year 1787, the ordinance was remodelled, the anti-slavery clause, with the fugitive slave recovery clause as they now stand, were inserted in it; and in that shape the ordinance had the unanimous vote of every State present—eight in the whole—and an equal number of slave and free States present. Thus it is clear that the anti-slavery clause in the ordinance of 1787 could not have passed without the fugitive slave recovery clause annexed. They were inseparable in their birth, and must be so in their life; and those who love one must accept the other.

This was done in the month of July in the city of New York, where the Congress of the Confederation then sat. The National Convention was sitting at the same time in the city of Philadelphia, at work upon the Federal Constitution. The two bodies were in constant communication with each other, and some leading members (as Mr. Madison and Gen. Hamilton) were members of each, and attending by turns in each. The Constitution was finished in September, and received the fugitive slave recovery clause immediately after its insertion in the ordinance. It was the work of the same hands, and at the same time, in both instruments; and it is well known that the Constitution could not have been formed without that clause. Thus the compromise clause in the ordinance is father to the compromise clause in the Constitution; and the Missouri compromise results from both; and all three stand before me as founded in the same circumstances, induced by the same considerations, and directed by the same policy—that of the peace, harmony, and perpetuity of this Union. In point of moral obligation I consider them equal, and resulting from conditions which rendered them indispensable. Two of them have all the qualities of a compromise, those of the ordinance and of the Constitution. They are founded in agreement, in consent, in compact, and are as sacred and inviolable as human agreements can be. The third one, that of the Missouri anti-slavery line, was not made upon agreement. It was imposed by votes, by the South upon the North, resisted by the North at the time, acquiesced in afterwards: and by that acquiescence became a binding covenant between both parties; and the more so on the South because she imposed it. I repeat, it was an imposition, not a compact. The South divided, and took choice; and now it will not do to claim the other half on the ground of the original dissatisfaction of the other party. Brothers cannot divide an estate in that way—one make the division, and take choice, and afterwards claim the other half. The South has her half. She gave it away once—gave it to Spain—and the North helped her to get it back, even at the expense of war, without suspecting that she was strengthening the South to enable it to take the other half. But this attempt does not come from the South, and finds resistance there.

This brings us to the question of repeal or abrogation of these compromises. The one in the Constitution cannot be got rid of without an amendment to that instrument; and is, therefore, beyond the reach of Congress. The other two, being in the form of statutes, are subjects of legislation, and legally repealable by Congress. Efforts were made to impair one, that of 1787, some fifty years ago. An effort is now made to repeal the other; and the history and fate of the first attempt may be advantageous in the consideration of the second. It was in the year 1803. The then Territory of Indiana had been slave territory under the French Government, and continued so under the American until 1787. It extended to the Mississippi, and contained many slaves. Vincennes, Cahokia, Prairie de Rocher, Kaskaskia, were all slaveholding towns. The inhabitants were attached to that property, and wished to retain it at least temporarily; and also to invite a slaveholding emigration, until an increase of population should afford an adequate supply of free labor; and they petitioned Congress accordingly. The petition came from a convention of the people, presided over by Governor Harrison, and only asked for the suspension of the anti-slavery part of the ordinance for ten years, and limited in its application to their own territory. The petition was referred to a select committee of the House; Mr. Randolph was chairman, and received its answer in a report, in these words:

"That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region; that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known in that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and emigration."

This was the answer of the select committee; and it became the answer of the House—of this House just fifty years ago—when the South was about as ably represented here as it ever has been since, and when its relative strength was greater than it has ever been since. The answer is a peremptory refusal to yield to the petition of the people of Indiana, even for a ten years' local suspension of this anti-slavery clause. "Highly dangerous and inexpedient to impair that provision." Yes, to impair! that is the word; and it is a refusal to weaken or lessen, in the smallest degree, an act which the committee calls a "benevolent and sagacious act;" and which they recommend to maintain unimpaired, because it is "calculated to increase the happiness and prosperity of the Northwest and to give strength and security to its frontier." That Congress, and that without division between North and South, would not impair an act of so much future good to posterity, not even upon the mistaken application of a few present inhabitants.

But this was not the end of the petitions. The people of Indiana were not satisfied with one repulse. They returned to the charge; and four times more, in the course of as many years, renewed their application for the ten years' suspension of the ordinance. It was rejected each time, and once in the Senate, where the North Carolina Senator (Mr. Jesse Franklin) was chairman of the committee which made the report against it. Five times, in as many years, rejected by Congress; and the rejection the more emphatic in some instances because it was the reversal by the House of a favorable report from a committee. And now what inhabitant of Indiana does not rejoice at the deliverance which the firmness of Congress then gave them, in spite of the request of its inhabitants fifty years ago?

Thus, five times in the beginning of this century—five different times, and without any distinction between Northern and Southern members—did Congress refuse to "impair" the slavery compromise of 1787, notwithstanding five times asked for by the people of the Territory. Oh, squatter sovereignty! where were you then? It was a case for you to have shown your head—to have arisen in your might, and established your supremacy forever. It was a case of a convention of the sovereigns themselves; and neither this convention nor the Congress had a dream of their sovereignty. The convention petitioned Congress as a ward would its guardian, or children under age would petition their father; and Congress answered like a good guardian, or a good father, that it would not give them an evil, although they begged for it. Benighted times these, and infinitely behind the present age! The mare's nest had not then been found in which had been laid the marvellous egg out of which has been hatched the nondescript fowl ycleped "squatter sovereignty." The illustrious principle of non-intervention had not then been invented. The ignoramuses of that day had never heard of it, though now to be learned in every horn-book; and, I believe, nowhere else but in the horn-books.

Five times in the beginning of this century did Congress refuse to impair the slavery compromises of '87; and now, in the middle of the century, and after thirty years of peace under the Missouri compromise, the offspring and continuation of that of '87, we are called upon, not merely to impair for a season, but to destroy forever a far greater compromise, extending to far more territory, and growing out of necessities far more pressing. And how called upon? Not by the inhabitants, not by any one human being living or expecting to live in the territory to be affected, but upon a motion in Congress—a silent, secret, limping, halting, creeping, squinting, impish motion—conceived in the dark, midwifed in a committee room, and sprung upon Congress and the country in the style in which Guy Fawkes intended to blow up the Parliament House, with his five hundred barrels of gunpowder hid in the cellar under the wood.

My answer to such a motion is to be found in the whole volume of my political life. I have stood upon the Missouri compromise for above thirty years, and mean to stand upon it to the end of my life; and, in doing so, shall act, not only according to my own cherished convictions of duty, but according to the often-declared convictions of the General Assembly of my State. The inviolability of that compromise line has often been declared by that General Assembly, and as late as 1847, in these words:

"*Resolved*, That the peace, permanency, and welfare of our National Union depend upon a strict adherence to the letter and spirit of the eighth section of the act of Congress of the United States entitled '*An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories*,' approved March 6, 1820"—

with an instruction to the Senators and a request to the Representatives in Congress to vote accordingly.

"The peace, permanency, and welfare of the Union depend upon a strict adherence to the Missouri compromise of 1820." So resolved the General Assembly of Missouri as late as 1847. I believed the Assembly was right then; I believe it now; and, so believing, shall "adhere" to the compromise now, as then, "in spirit and in letter."

I should oppose any movement to impair that compromise made in an open, direct, manly manner; much more shall I oppose it if made in a covert, indirect, and unmanly way. The bill or bills before us undertake to accomplish their object without professing it, upon reasons which are contradictory and unfounded, in terms which are ambiguous and inconsistent, and by throwing on others the responsibility of its own act. It professes not to interfere with the sovereign right of the people to legislate for themselves; and the very first line of this solemn profession throws upon them a horse-load of law, which they have no right to refuse, or time to read, or money to purchase, or ability to understand. It throws upon them all the laws of the United States which are not locally inapplicable, and that comprehends all that are not specially made for other places; also, it gives them the Constitution of the United States, but without the privilege of voting at Presidential or Congressional elections, or of making their own judiciary. This is non-interference with a vengeance. A community to be buried under a mountain of strange law, and covered with a constitution under which they are not to have one single political right! Why this circumlocution, this extension of a mountain of irrelevant law, with the exception of the only one relevant and applicable?

Sir, it is the crooked, insidious, and pusillanimous way of effecting the repeal of the Missouri compromise line. It includes all law for the sake of leaving out one law; and effects a repeal by an omission, and legislates by an exception. It is a new way of repealing a law, and a bungling attempt to smuggle slavery into the Territory, and all the country out to the Canada line and up the Rocky Mountains. The crooked line of this smuggling process is this: "Abolish the compromise line, and extend the Constitution over the country; the Constitution recognises slavery, therefore slavery is established as soon as the line is abolished and the Constitution extended, and being put there by the Constitution it cannot be legislated out." This is the English of this smuggling process; and certainly nothing more unworthy of legislation, more derogatory to a legislative body, was ever attempted to be made into law. Sir, the Constitution was not made for Territories, but for States. Its provisions are all applicable to States, and cannot be put in operation in Territories. They cannot vote for President, or Vice President, or members of Congress, nor elect their own officers, or prescribe the qualifications of voters, or administer their own laws by their own judges, sheriffs, and attorneys, and the clause extending the Constitution to them is a cheat and an illusion and a trick to smuggle slavery into the Territory. Nor is it intended that they shall have any legislative right under the Constitution, even in relation to slavery. They may admit it because it is to be there by the Constitution; they cannot exclude it because the Constitution puts it there. That is the argument, and it is a juggle worthy of the trick of one egg under three hats at the same time, and under neither at any time. Besides, the Constitution is an organic, not an administrative act. It is a code of principles, not of laws. Not a clause in it can be executed except by virtue of a law made under it, not even the clause for recovering fugitive slaves.

But I am not done yet with the beauties of this mode of repealing a law by an exception. There is a further consequence to be detected in it. The Missouri compromise consists of two distinct parts: first, an abolition of slavery in all the ancient Louisiana north and west of Missouri; secondly, a provision for the recovery of fugitive slaves in the territory made free. By the omitted extension of this section both these parts are repealed. A tract of country larger than the old thirteen Atlantic States, and bordering a thousand miles on the British dominions, is made an asylum for fugitive slaves. There will be no law to recover a slave from all that vast region. The constitutional provision is limited to States: the provision in the act of 1787 is limited to the Northwest Territory; the second part of the Missouri compromise extended this right to all the territory north and west of Missouri; and that being repealed, that right of recovery is lost. I object to this on the part of the State of Missouri, the State to be most injured by converting all the territory north and west of her, quite out to the British line, into an asylum for runaway slaves. The blunder cannot be corrected (at least in the opinion of those who deny the constitutional power of Congress to legislate on slavery in Territories) by an act of Congress.

Then comes the reason for excepting the Missouri compromise from the extension which is given to a mass of laws which are not there, and denied to itself which is there. If the reason had been because it was already there, it would have been a logical and comprehensible reason; but that is not the cause assigned; and those which are assigned are actually numerous and curious, and worthy of examination. First, because it was superseded by certain acts of 1850; next, that it is inconsistent with those acts; then that it is inoperative; and, finally, that it never was there, being dead in its birth under the Constitution, and void from the beginning.

Let us look into these reasons, *seriatim*, as the lawyers say; and first of supersession. It is said that the measures of 1850 superseded this compromise of 1820. If so, why treat it now as still existing, and therefore to be repealed by an exception in order to get rid of it? If it was repealed in 1850, why do it over again in 1854? Why kill the dead? But it was not superseded, but acknowledged and confirmed by every speaker in 1850 that referred to the subject, and by every act that mentioned it. This being matter of fact, and proven by all sorts of testimony—parole, written, and record—it had to be given up, (though a test of political orthodoxy as long as it stood,) and something else put in its place; thereupon supersession was itself superseded by "inconsistent." Out of the frying-pan into the fire! Inconsistent signifies inability to stand together, two things which cannot stand together—from *con* and *sisto*. Now, what is the fact with respect to the compromises of 1820 and 1850? Can they not stand together? And, if not, why knock the one down that is already down? It is now four years since this inability to stand together took effect; and how do the two sets of measures make out together at the end of this time? Perfectly well. They are both on their feet, standing bolt upright, and will stand so forever unless Congress knocks one or the other of them down. This is fact known to every body and admitted by the bill itself; for if the first is inconsistent with the second and unable to stand, why all this trouble to put it down? Why trip up the heels of the man already flat of his back on the ground? Then comes another reason that this compromise of 1820 is inoperative and void. If so, those who are against its operation should be content. It is in the very condition they wish it—useless, powerless, inactive, dead, and no bar to the progress of slavery to the North. Void is vacant, empty, nothing of it. Now, if the line 36° 30′ is inoperative and void, it is in the condition of a fence pulled down and the rails carried away, and the field left open for the stock to enter. But the fence is not pulled down yet. The line is not yet inoperative and void. It is an existing substantive line, alive and operating, and operating effectually to bar the progress of slavery to the North, and will so continue to operate until Congress shall stop its operation. Then comes the final reason that there never was any such line in the world; that it was unconstitutional and void; that it had no existence from the beginning; and that it must not be repealed by a direct act, for that would be to acknowledge its previous existence, and to nullify the constitutional argument; and, what is more terrible, involve the authors of the doctrine in an inconsistency of their own, and thereby make them themselves inoperative and void. And this is the analysis of the reasons for the Nebraska bill; that part of it which is to get rid of the compromise of 1820—untrue, contradictory, suicidal, and preposterous. And why such a farrago of nullities, incongruities, and inconsistencies? Purely and simply to throw upon others, upon the Congress of 1850 and the innocent Constitution, the blame of what the bill itself is doing; the blame of destroying the compromise of 1820, and with it destroying all confidence between the North and the South, and arraying one-half the Union against the other in deadly hostility. It is to be able to throw blame upon the innocent that this farrago is served up to us.

And what is all this hotch-potch for? It is to establish a principle, they say—the principle of non-intervention, of squatter sovereignty. Sir, there is no such principle. The Territories are the children of the States. They are minors under twenty-one years of age; and it is the business of the States, through their delegations in Congress, to take care of these minors until they are of age, until they are ripe for State government; then give them that government, and admit them to an equality with their fathers. That is the law, and the sense of the case; and has been so acknowledged since the first ordinance of 1784, by all authorities, Federal and State, legislative, judicial, and executive. The States in Congress are the guardians of the Territories, and are bound to exercise the guardianship; and cannot abdicate it without a breach of trust and a dereliction of duty. Territorial sovereignty is a monstrosity, born of timidity and ambition, hatched into existence in the hot incubation of a Presidential canvass, and revolting to the beholders when first presented. Well do I remember that day when it was first shown in the Senate. Mark Antony did not better remember the day when Cæsar first put on that mantle through which he was afterwards pierced with three-and-twenty "envious stabs." It was in the Senate in 1848, and was received as nonsense, as the essence of nonsense, as the quintessence of nonsense, as the five-times distilled essence of political nonsensicality. Why, sir, the Territory itself is the property of the States, and they do what they please with it; permit it to be settled or not, as they please; cut it up by lines, as they please; sell it or give it away, as they please; chase white people from it, as they please. After this farrago, this *olla-podrida*, comes a little stump speech, injected in the belly of the bill, and which must have a prodigious effect when recited in the prairies, and out towards the frontiers, and up towards the heads of the creeks. I will read it, and I hope without fatiguing the House; for it is both brief and beautiful, and runs thus:

"It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

This is the speech, and a pretty little thing itself, and very proper to be spoken from a stump in the prairie. It has intent, and a true intent, which is neither to legislate slavery into or out of any State or Territory. Then why legislate at all? Why all this disturbance if no effect is produced, and things to remain just as they were? Let well enough alone was the old doctrine; to make well enough still better is the doctrine of progress; and that in spite of the Italian epitaph, which says, "I was well and would be better, took physic and here I am." But the States must be greatly delighted at the politeness and forbearance of this bill. It puts States and Territories upon precise equality with respect to the power of Congress over them. Congress does not mean to put slavery in or out of any State or Territory. To all that polite abnegation I have to say that, in respect of the States, it is the supererogation of modesty and humility, as Congress happens to have no power to put slavery in them or out of them; and in respect of the Territories it is an abdication of a constitutional power and duty, it being the right of Congress to legislate upon slavery in the Territories, and its duty to do so when there is occasion for it, as in 1787 and 1820.

I object to this shilly-shally, willy-won'ty, don't-y-can't-y style of legislation. It is not legislative; it is not parliamentary; it is not manly; it is not womanly. No woman would talk that way; no shilly-shally in a woman. Nothing of the female gender was ever born young enough, or lived long enough, to get befogged in such a quandary as this. It is one thing or the other with them; and what they say they stick to. No breaking bargains with them. But the end of this stump speech is the best of the whole. Different from good milk, in which the cream rises to the top, it here settles to the bottom, and is in these words:

"Leave it to the people thereof—that is to say, of the States and of the Territories—to regulate slavery for themselves as they please, only subject to the Constitution of the United States."

Certainly this is a new subjection for the States. Heretofore they have been free to regulate slavery for themselves—admit it or reject it; and that not by virtue of any grant of power in the Constitution, but by virtue of an unsurrendered part of their old sovereignty. It is also new of the Territories. Heretofore they have been held to be wards of Congress, and entitled to nothing under the Constitution but that which Congress extended to them. But this clause is not accidentally here; it is to keep up the dogma of the Constitution in Territories, but only there in relation to slavery, and that for its admission, not rejection.

Three dogmas now afflict the land: *videlicet*, squatter sovereignty, non-intervention, and no power in Congress to legislate upon slavery in Territories. And this bill asserts the whole three, and beautifully illustrates the whole three, by knocking each one on the head with the other, and trampling each under foot in its turn. Sir, the bill does deny squatter sovereignty, and it does intervene, and it does legislate upon slavery in Territories; and for the proof of that see the bill; and see it, as the lawyers say, *passim*; that is to say, here, and there, and everywhere. It is a bill of assumptions and contradictions—assuming what is unfounded, and contradicting what it assumes—and balancing every affirmation by a negation. It is a see-saw bill; but not the innocent see-saw which children play on a plank stuck through a fence; but the up and down game of politicians, played at the expense of the peace and harmony of the Union, and to the sacrifice of all business in Congress. It is an amphibological bill, stuffed with monstrosities, hobbled with contradictions, and Badgered with a proviso.

Amphibology is a cause for the rejection of bills, not only by Congress, but by the President when carried to him for his approval. General Jackson rejected one for that cause, and it was less amphibological than this: it was the last night of the last day of his last administration, and a quarter before midnight. Congress had sent him a bill to repeal the specie circular, and to inaugurate the paper money of a thousand local banks on the currency of the Federal Government. It was an object not to be avowed, nor to be done in any direct or palpable manner. Paraphrases, circumlocution, ambidexterity, and ambiguity were necessary to cover up the design; and it was piled on until it was unintelligible. The President read it, and could make nothing of it: he sent to his Attorney General, who was equally puzzled. He then returned it, with a message to the Senate, refusing to sign the bill for amphibology. We should reject this bill for the same cause, if for nothing else. Hard is the fate of party fealty. It has to keep up with the everchanging measure. Often have these bills changed; and under every phase they had to be received as a test of orthodoxy: and have more changes to undergo yet; and to continue to be a test under all mutations.

And now, what is the object of this movement which so disturbs Congress and the country? What does it propose to accomplish? To settle a principle is the answer, the principle of non-intervention, and the right of the people of the Territory to decide the question of slavery for themselves. Sir, there is no such principle. The Territories are the children of the States. They are minors, under age, and it is the business of the States, through their delegations in Congress, to take care of them until they are of age, until they are ripe for State Government, then to give them that government, and admit them to an equality with their fathers. That is law, and has been so admitted since the first ordinance in 1784. The States in Congress are the guardians of the Territories, and are bound to exercise that guardianship, and cannot abdicate it without a breach of trust and a dereliction of duty. Why, sir, the Territory itself is the property of the States, and they do with it what they please; permit it to be settled or not, as they please; cut it up by lines, as they please; sell or give it away, as they please; chase white people from it, as they please. This has been always the case. There is a proclamation now extant of the old Congress of the Confederation, describing the first settlers in the Northwest Territory "as disorderly persons," and ordering them to be driven off by the military. I remember many such military expulsions in the early settlement of the Western country often executed with severity; burning houses, cutting up corn, destroying fences, and driving off the people at the point of the bayonet and under the edge of the sabre.

As late as 1835-'36, and after the extinction of the Indian title to the Platte country in Missouri, similar orders were given to the then colonel of dragoons commanding on that frontier, the now Senator in Congress, HENRY DODGE, to expel the people from that purchase; orders which he executed in gentleness and mercy, going alone, explaining his business, and requiring them to go away; which they did, like good and orderly people; and when he was gone, came back like sensible and industrious people, and secured their pre-emptions. Not only settled but organized territory has been so treated by the Federal Government, and worse; the people driven off and their homes given away. This happened in Arkansas in 1828, when twelve thousand square miles of her organized territory was given to the Cherokees, and the people driven away. Why, sir, this very line of 36° 30′, with all the territory on one side of it, and two degrees on the other side, were given away to the King of Spain. This has been the seventy years' practice of the Government, to treat the Territories as property, and the people as uninvited guests, to be entertained or turned out, as the owner of the house chooses. Fine sovereigns these! chased off by the military, and their homes given to Indians or Spaniards! The whole idea of this sovereignty is a novelty, scouted from Congress when it first appeared in the Senate, contradicted by the Constitution and the whole action of the Government in all time; and contradicted by the bill itself which is to secure it.

The provisions of the bill are a burlesque upon sovereignty. It gives to the people, instead of receiving from them, an organic act. And what an organic act! One in which they are denied every attribute of sovereignty. Denied freedom of elections; denied freedom of voting; denied choice of their own laws; denied the right of fixing the qualification of voters; subjected to a foreign supervision; and controllable by the Federal Government, which they have had no hand in electing; and only allowed to admit, and not to reject slavery. Their sovereignty only extends to the subject of slavery, and only to one side of that—the admitting side; the other half of the power being held to be denied by the Constitution which is extended over them, and which (according to the reading of the supporters of this bill) forbids any law to be made which will prevent any citizen from going there with his slaves. This is squatter sovereignty, non-intervention, and no power to legislate in Territories upon slavery! And this is called a principle, the principle of non-intervention—letting the people alone to settle the question of slavery for themselves. How settle it? That can only be done in an organic act; and they have no such act, nor can have one till they make a constitution for a State government. All the rest is legislation, which settles nothing and produces contention at every election. Sir, this principle of non-intervention is but the principle of contention—a bone given to the people to quarrel and fight over at every election and at every meeting of their Legislature until they become a State government. Then, and then only, can they settle the question.

For seventy years—since the year 1784, when the organizing mind of Jefferson drew the first territorial ordinance—we have had a uniform method of providing for the government of Territories, all founded upon the clause in the Constitution which authorizes Congress to dispose of and make rules and regulations respecting the territory and other property of the United States. This mode of government has consisted of three grades, all founded in the right of Congress to govern them. First grade, a Governor and judges, appointed by the United States to adopt laws from other States to be in force until disapproved by Congress. Second grade, a Territorial Legislature, when the inhabitants shall amount to five thousand men above the age of twenty-one, composed of a council partly appointed by the United States, and a House of Representatives elected by the people, at the rate of one representative for every five hundred voters, the legislation subject to the approval of Congress. Third grade, entrance on the State government, in full equality with the other States. This is the way these Territories have been governed for seventy years, and I am for adhering to it.

And now what is the excuse for all this disturbance of the country; this breaking up of ancient compromises; arraying one half of the Union against the other, and destroying the temper and business of Congress? What is the excuse for all this turmoil and mischief? We are told it is to keep the question of slavery out of Congress! To keep slavery out of Congress! Great God! It was out of Congress, completely, entirely, and forever out of Congress, unless Congress dragged it in by breaking down the sacred laws which settled it! The question was settled and done with. There was not an inch square of territory in the Union on which it could be raised without a breach of a compromise. The ordinance of '87 settled it in all the remaining part of the Northwest Territory beyond Wisconsin; the compromise line of 36° 30′ settled it in all country north and west of Missouri, to the British line, and up to the Rocky Mountains; the organic act of Oregon, made by the people, and sanctioned by Congress, settled it in all that region; the acts for the government of Utah and New Mexico settled it in those two Territories; the compact with Texas, determining the number of slave States to be formed out of that State, settled it there; and California settled it for herself. Now, where was there an inch of square territory within the United States on which the question could be raised? Nowhere! Not an inch! The question was settled every where, not merely by law, but by fact. The work was done, and there was no way to get at the question but by undoing the work! No way for Congress to get the question in, for the purpose of keeping it out, but to break down compromises which kept it out!

What advantage do the slave States expect from this bill? Certainly they expect the extension of slave power and slave population. That may prove a fallacious expectation. The question of slavery in these Territories, if thrown open to territorial action, will be a question of numbers—a question of the majority for or against slavery: and what chance would the slaveholders have in such a contest? No chance at all. The slave emigrants will be outnumbered, and compelled to play at a most unequal game, not only in point of numbers, but also in point of stakes. The slaveholder stakes his property; and has to run it off, or lose it, if outvoted at the polls. I see nothing which slaveholders are to gain under this bill—nothing but an unequal and vexatious contest, in which they are to be losers. I deprecate such a contest, and did my part to keep it out of the State of Missouri when her constitution was formed. I was not a member of the convention, but was a chief promoter of the clause which forbids the Legislature to emancipate slaves without the consent of their owners. I promoted that clause for the sake of peace—for the sake of keeping the slavery question out of our elections and legislation—for the sake of preventing perpetual strife among the people. What I did for Missouri I would do for the Territories; and if it was an open question would vote one way or the other to settle it; but it is not an open question, and cannot be opened without a breach of faith, and the destruction of the peace of the country.

Sir, the question has been decided. The free States are against this bill; and it is an ill return for their past generous conduct to endeavor to force it upon them. They have been not only just, but magnanimous to the slave States. What was the condition of the slave States thirty years ago in relation to the use of the soil within their limits? Debarred of a great part of its use, an Indian population covering more or less of almost every slave State, and preventing the expansion of its population. What is it now? All relieved. The Indians all gone: their lands all brought under the dominion of the white man, and the area of slave population and slave cultivation greatly increased—to the extent of a third or a fourth of its soil in some of the States. How was this done? Certainly by the help of free State votes, (for it could not have been done without them;) by the help of their votes in procuring the appropriations and ratifying the treaties which the removal of the Indians required. Missouri got her fine southwest quarter relieved by these means. The same votes gave us the Platte country; seven fine counties added to the State! and that by altering the compromise line to include it, and actually converting that fine region from free soil to slave soil. Northern votes enabled it to be done: Northern votes altered above an hundred miles of the compromise line for our benefit, upon our request; and I will never be ungrateful to the North for it, nor requite it by a breach of the line to their prejudice. And how did we obtain the Northern votes which were necessary for all these measures, the appropriations and treaties for all these Indian removals, and for that alteration of the compromise line which gave us the beautiful Platte country? How did the Missouri delegation of that day, the most amiable and talented Dr. Linn and myself in the Senate, and Gen. Ashley in the House—how did we obtain that great boon for our State? Did we get these votes by belching abolitionism against the North? No, no! We got them by appealing to the justice and the fraternal feelings of our Northern brethren, and to which we never appealed once in vain—who in the last hard trial to get the Cherokees out of Georgia gave us fourteen affirmative votes to balance seven negatives from the South, and saved the treaty by one vote. And I, who was part of all these transactions, accustomed to solicit Northern votes, and express thanks for them, will not now return them evil for good by attempting to deprive them of their share of a compromise which we imposed upon them.

It is now four months since this movement for the abrogation of the Missouri compromise commenced in this Congress. It began without a memorial, without a petition, without a request from a human being. It has labored long and hard in these halls, and to this hour there is not a petition for it from the class of States for whose benefit the movement professes to have been made! not a word in its favor from the smallest public meeting or private assemblage of any slave State. This is the response of the South to this boon tendered to it by Northern members under a Northern President. It is the response of silence more emphatic than words, and worthy of especial note in this debate. It argues well for the harmony of the Union, and goes to show (what in fact has been often seen) that the troubles of the country come from uneasy politicians, its safety from the tranquil masses.

THE HOMESTEAD BILL.

At a special meeting of the Agricultural Society of Newcastle county, State of Delaware, convened at the house of John Foster, in Wilmington, April 1, 1854, John C. Clark, Esq., the President of the Society, in the chair, and James Brindley, Esq., Vice President; James Canby was appointed Secretary.

On motion, resolved that Messrs. C. P. Holcomb, H. I. Dupont, J. T. Bird, S. McDaniel, and Bryan Jackson be appointed a committee to report business for the consideration of the society.

The committee reported the following resolutions, which, after being read and considered, were unanimously adopted:

Whereas the public domain is a sacred trust, held by the General Government for the common benefit of all the citizens, and is valuable as a reliable source of revenue to the Government, or a fund from which to advance education or other objects of national concern; and whereas a system of pensions or donations of revenue or property by the Government to individuals is opposed to the character of our institutions, unknown in our past prosperous history, dangerous as a precedent, wrong in principle, and practically uncalled for in a land where none but the slothful need want, where labor is well rewarded, and persevering industry never fails to secure a comfortable home: Therefore,

Resolved, That the proposition to give one hundred and sixty acres of land, as proposed by the homestead bill before Congress, to each male resident in the country at the time of the passage of said bill who is at years of majority, is the establishment of a system of gratuities or pensions in the most exceptionable form, since it is giving without the pretext of a claim on the part of those who are to receive; it is volunteering the bounty of the Government on the supposition of an extended pauperism which does not in fact exist; it is giving to one citizen a freehold out of the public domain which another starting from the same point has had to buy and pay for, because it is only those who are seeking freeholds for the first time now, the "landless" of 1854, or those who have their residence in certain sectional locations, that will or can practically avail themselves of the benefit of this bill. The statistics of emigration show that but one million of emigrants had arrived in the country up to 1840, and up to which time 25,000,000 of acres of land had been sold by the Government and paid for by our citizens, while emigration since that period has averaged nearly a quarter of a million annually; and for Government to give away land now, which it formerly sold to those then seeking "homes," who certainly had as strong claims as any more recently arrived, would be to act partially, and equity would require the return of the many millions of dollars previously drawn by the Government from our citizens.

2d. That if this agrarian precedent is established by Congress in the middle of the nineteenth century, of giving to each male adult who may be in the country one hundred and sixty acres of land on petitions emanating from our large commercial cities or other sectional locations, what may be the demands from the same quarter before the close of the century? And if the public lands shall all have been given away, it may well be regarded a nice distinction that refuses the applicants the revenue directly from the treasury itself, when the lands that for so many years contributed to supply the treasury were freely given.

3d. That no argument can be found for the measure in any policy of settling more rapidly the new States, since never during the past history of the country was their increase greater or their prosperity more gratifying, while additional inducements, such as the offer of "free farms" to a large class of citizens now well engaged in the trades, in mechanical, agricultural, and other pursuits, would most seriously injure the old States by withdrawing those whose labor is required and well rewarded.

4th. That the measure is not necessary as a means of encouraging still further emigration by conveying the idea to the population of Europe that on their arrival in the United States they will be provided by the Government with "homes" and "freeholds," and which idea, in furnishing a precedent, this bill does directly hold out. The arrivals of this population are such at present as to over-tax our commercial marine, crowding the ships in a manner often resulting in great mortality.

5th. That, in reference to the advantages to the proposed beneficiaries themselves of this class, the measure is of more than doubtful expediency, so far as it contemplates engaging them in the actual tillage of the soil, to which the early pursuits and habits of many would be altogether unsuited; and the idea of making a poor man a farmer by giving him a "home," as it is called, or giving him one hundred and sixty acres of wild land in the forest, and compelling him to reside on it five years without the means or the knowledge of improving the first acre of it, any practical farmer knows must result in failure, and in making the poor man still poorer, for it would probably leave him discouraged and disheartened as well as bankrupt.

6th. That the effects and fruits of this measure will probably be, if successful, to give, in the first, place a selection and appropriation at once of all the best land to the people in the States or vicinity of where the lands lie; and in the end, under different pretexts, Congress will be called on to modify the law in reference to actual residence, and the result will be that the "freeholds" will soon be transmuted into *land scrip*, flooding the country to the amount of two hundred millions of dollars, to be "operated in" by land warrant brokers and speculators, whose zeal for the success of this bill is already well known.

7th. That we respectfully suggest that we have not understood, nor do we believe the people generally have understood, that in voting for our representatives we were authorizing them to give away each his one million of dollars' worth of public land for the purpose aforesaid, nor can we find in the constitution, though it may be there, any authority for their *giving* land at all with or without the consent of their constituents.

8th. That the title of the bill we regard as utterly delusive, especially in setting forth, among other things, that it is "to encourage agriculture;" and it is as agriculturists, as members of a society for the promotion of agriculture, we protest against it:—against the Government coming forward to create three hundred thousand free farms, or any number of free farms, and diverting labor now well and better employed. There are few of us that starting in life poor, have not bought and paid for the land we till, and we consider it no hardship for any man to do the same; and if our Government will leave our people, of both foreign and native birth, to the exercise of their own energies, without undertaking their beneficiary support, there is nothing necessary to their wants or happiness they cannot obtain.

The following additional resolution was moved by James Canby, Esq., seconded by Theodore Crawford, Esq.:

Resolved, That in the opinion of this society the principle of giving the public lands to the landless is demoralizing in its tendency, as doing away the inducement to economy and industry, and likely to lead to habits anything but promotive of the public good.

On motion of MR. MCDANIEL,

Resolved, That the corresponding secretary communicate copies of the proceedings of this meeting to our Senators and Representative in Congress, with a request that the bill now pending before the honorable Senate may receive the energetic opposition of the Senators of this State, and that copies of the proceedings be also furnished to the press of this State, and to the *National Intelligencer* and *Daily Globe*, with a request that they will publish the same.

JOHN C. CLARK, President.
JAMES BRINDLEY, Vice President.
JAMES CANBY, Secretary.

"WHO IS MRS. PARTINGTON?"—The inquiry is frequently made, "Who is Mrs. Partington?" We first read of the old lady in a speech made by Sydney Smith—the wittiest and probably the wisest man of his day—at Taunton, England, in 1831, on the subject of Parliamentary reform, by which Great Britain was then much agitated. He was insisting that the possibility of the House of Lords defeating the reform movement was the most absurd notion that ever entered into human imagination. And to illustrate the futility of resisting the popular demand, he said: "I do not mean to be disrespectful, but the attempt of the Lords to stop the progress of reform reminds me very forcibly of the great storm at Sidmouth, and of the conduct of the excellent Mrs. Partington on that occasion. In the winter of 1824 there set in a great flood upon the town; the tide rose to an incredible height, the waves rushed in upon the houses, and every thing was threatened with destruction. In the midst of this sublime and terrible storm Dame Partington, who lived upon the beach, was seen at the door of her house with mop and pattens, trundling her mop, squeezing out the sea-water, and vigorously pushing away the Atlantic Ocean. The Atlantic was aroused. Mrs. Partington's spirit was up; but I need not tell you that the contest was unequal. The Atlantic Ocean beat Mrs. Partington. She was excellent at a slop or a puddle; but she should not have meddled with a tempest."

[*Buffalo Commercial Advertiser.*

"TEMPERANCE GIN.—The Providence Journal tells a good anecdote for a strict temperance paper. The town of Exeter, Rhode Island, had a very close election for selectmen &c., in which temperance was the moving question, and just before the close of the polls five voters of the Anti-Maine Law stripe arrived in a wagon, and, as it proved the balance of power, desperate means had to be resorted to. Consequently the leader of the temperance party stepped forth and offered two gallons of gin to each if they would vote his ticket. The offer was accepted, and the two gallons of gin elected a temperance board of town officers.